

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kristen Lanham-Hostetter	Team: Team # 1	CCRB Case #: 201011835	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/27/2010 1:45 AM	Location of Incident: S/B Huxley Street and 148th Avenue	Precinct: 105	18 Mo. SOL 2/27/2012	EO SOL 2/27/2012	
Date/Time CV Reported Fri, 08/27/2010 3:12 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/27/2010 3:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Anton Bartoldus	11407	926549	105 PCT
3. POM Michael Whooley	06036	943951	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Scott Humburg	12366	941920	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anton Bartoldus	Discourtesy: PO Anton Bartoldus spoke obscenely to § 87(2)(b)	
B. An officer	Force: An officer used physical force against § 87(2)(b)	
C. An officer	Abuse: An officer searched § 87(2)(b)	
D.POM Anton Bartoldus	Abuse: PO Anton Bartoldus searched the car in which § 87(2)(b) was an occupant.	
E. An officer	Abuse: An officer searched the car in which § 87(2)(b) was an occupant.	
F. An officer	Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b)	
G.POM Michael Whooley	Discourtesy: PO Michael Whooley acted rudely toward § 87(2)(b)	

Case Summary

§ 87(2)(b) filed his complaint via phone on August 27, 2010, at 3:12pm. At approximately 1:45am on the same day, § 87(2)(b) was driving southbound on Huxley Street, in Queens. He was lost, and made a U-turn while talking on his cell phone, trying to get directions, when he drove by a 2009 Silver Jeep Cherokee. The Jeep followed him and eventually pulled him over. One of the passengers of the Jeep, identified as PO Anton Bartoldus of the 105th Precinct through summonses, which § 87(2)(b) saw him write, asked him for his license, which § 87(2)(b) provided. PO Bartoldus was described as a white male, approximately 5'11", fat, with brown hair, 40-years-old, wearing plainclothes. PO2, who remains unidentified and was described as a white male, approximately 5'9", with an average build, dark brown hair, approximately 30-years-old, who identified himself as a sergeant, went to the passenger side of the vehicle. PO Bartoldus told § 87(2)(b) he was pulled over because he was on the phone, his back tail light was out, and his license plate was hanging. He told § 87(2)(b) to get out of the car. § 87(2)(b) asked why, and PO Bartoldus told him to "get the fuck out of the car." § 87(2)(b) got out of the car, and one of the officers pushed him against the car and told him, "Give me your license," while taking § 87(2)(b)'s wallet out of his pocket. He then passed § 87(2)(b) to a third officer, PO3, who had been in the back of the Jeep, and was described as a white male, approximately 5'10", muscular, 30-years-old, with dark brown hair, and wearing plainclothes. A call to the 105th Precinct roll call identified PO3 as PO Scott Humburg, PO Bartoldus' partner on the date of the incident. PO Bartoldus and PO2 then searched § 87(2)(b)'s car for approximately two minutes. § 87(2)(b) asked one of the officers why they stopped him. One of the officers asked why he was acting like an asshole, but § 87(2)(b) did not know which.

PO Bartoldus got back into the Jeep and wrote § 87(2)(b) five tickets while PO2 and PO Humburg stayed outside the car and smoked. Later, a marked patrol car and an unmarked old, black Chevy impala arrived. § 87(2)(b) told one of the officers, identified as PO Michael Whooley of the 105th Precinct, that he looked like a rookie. PO Whooley took § 87(2)(b)'s hat off and threw it. Later, PO Whooley tried to return § 87(2)(b)'s hat, but he would not take it. PO Whooley told § 87(2)(b) that his name was "Woodley." § 87(2)(b) read his badge, which may have been 6063. Eventually the officers all left.

On September 2, 2010, the undersigned investigator sent § 87(2)(b) a first please call letter. On September 3, 2010, the investigator called § 87(2)(b) and left a voicemail. Later that day, the investigator received a call from § 87(2)(b) who provided a phone statement and agreed to mediation, pending officer ID. On September 8, 2010, when it became clear that officer identification may not be solid, the investigator called § 87(2)(b) and left a voicemail asking to set up an appointment while officer ID was pending. On September 13, 2010, the undersigned called, left a voicemail, and sent a final please call letter to § 87(2)(b). On September 22, 2010, the investigator received two voicemails from § 87(2)(b) explaining that his phone had been broken. On September 30, 2010, the investigator called § 87(2)(b) and left a voicemail. On October 1, 2010 the undersigned received a call from § 87(2)(b) who withdrew his complaint of his own free will, and was not coerced by anyone at the NYPD or the CCRB. He chose to withdraw his complaint § 87(2)(b).

§ 87(2)(b) This taped withdrawal was reviewed by Team Manager Cecelia Holloway. A withdrawal letter was sent to his residence the same day, and will be included in the case file when received.

Team: 1

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date